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8 *f/k/a The Bank of New York as Trustee for*  
9 *the Benefit of the Certificate Holders of the*  
10 *CWALT, Inc., Alternative Loan Trust 2004-*  
11 *8CB Mortgage Pass Through Certificates,*  
12 *Series 2004-8CB*

13 **UNITED STATES DISTRICT COURT**  
14 **DISTRICT OF NEVADA**

13 THE BANK OF NEW YORK MELLON FKA  
14 THE BANK OF NEW YORK AS TRUSTEE  
15 FOR THE BENEFIT OF THE CERTIFICATE  
16 HOLDERS OF THE CWALT, INC.,  
17 ALTERNATIVE LOAN TRUST 2004-8CB  
18 MORTGAGE PASS THROUGH  
19 CERTIFICATES, SERIES 2004-8CB;

17 Plaintiff,  
18 vs.

18 TIERRA DE LAS PALMAS OWNERS  
19 ASSOCIATION; SFR INVESTMENTS POOL I,  
20 LLC; and ABSOLUTE COLLECTION  
21 SERVICES, LLC,

21 Defendants.

Case No.: 2:17-cv-02112-JAD-CWH

**STIPULATION AND ORDER RE:  
SECOND AMENDED NOTICE OF RULE  
30(b)(6) DEPOSITION OF THE BANK OF  
NEW YORK MELLON FKA THE BANK  
OF NEW YORK AS TRUSTEE FOR THE  
BENEFIT OF THE CERTIFICATE  
HOLDERS OF THE CWALT, INC.,  
ALTERNATIVE LOAN TRUST 2004-8CB  
MORTGAGE PASS THROUGH  
CERTIFICATES, SERIES 2004-8CB**

22 The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Benefit of the  
23 Certificate Holders of the CWALT, Inc., Alternative Loan Trust 2004-8CB Mortgage Pass Through  
24 Certificates, Series 2004-8CB (**BoNYM**) and SFR Investments Pool 1, LLC (**SFR**) stipulate as  
25 follows:

26 1. SFR served a notice of Rule 30(b)(6) deposition containing 14 topics on BoNYM on  
27 February 15, 2018. The deposition is scheduled for March 8, 2018.

28 2. SFR served a substantially similar notice of Rule 30(b)(6) deposition on Bank of

America, N.A. (**BANA**) in *Bank of Am., N.A. v. Falcon Pointe Ass'n et al*, D. Nev. Case. No. 2:16-cv-00814-GMN-CWH. BANA, through Akerman LLP (who also represents BoNYM in this case) initially disputed seven of the thirteen noticed topics: (1) **topic 5**, which seeks information concerning BANA's alleged damages; (2) **topic 6**, which seeks information concerning what investigation, if any, BANA made into title or encumbrances before acquiring an interest in the deed of trust; (3) **topic 7**, which seeks information concerning what investigation, if any, BANA made into title or encumbrances before the HOA's foreclosure sale; (4) **topic 8**, which seeks information concerning BANA's acquisition of its interest in the note and deed of trust; (5) **topic 9**, which seeks information concerning BANA's "knowledge regarding creation, execution and recording" of the recorded assignment(s); (6) **topic 11**, which seeks information concerning BANA's communications with its "predecessor in interest" regarding the HOA's CC&Rs "and title or encumbrances;" and (7) **topic 12**, which seeks information concerning "[a] facts and circumstances in which [BANA] contend[s] that [the HOA] and its foreclosure agent failed to comply" with NRS chapter 116 in conducting the foreclosure sale (collectively, the **disputed topics**).

3. BANA and SFR met and conferred concerning the disputed topics pursuant to L.R. 26-7 in connection SFR's deposition notice in *Falcon Pointe*. SFR agreed to limit or withdraw four of the seven disputed topics based on the meet and confer. To avoid unnecessary fees and costs, BoNYM and SFR stipulate to apply the agreement BANA and SFR reached in the *Falcon Pointe* meet and confer to SFR's notice of deposition in this case as set forth below:

a. **Topic 6:** SFR's inquiry into topic 6 shall be limited to investigations into title that revealed Tierra De Las Palmas Owners Association's lien.

b. **Topic 7:** SFR's inquiry into topic 7 shall be limited to investigations into title that revealed Tierra De Las Palmas Owners Association's lien and/or foreclosure notices.

c. **Topic 11:** SFR's inquiry into topic 11 shall be limited to communications between BoNYM and its "predecessor in interest" regarding Tierra De Las Palmas Owners Association's foreclosure notices, CC&Rs and lien.

d. **Topic 12:** SFR has already or will seek the information it seeks to obtain through deposition topic 12 via an interrogatory. BoNYM agrees to substantively respond to SFR's

1 interrogatory subject to any written objections. SFR will withdraw deposition topic 12 when  
2 BoNYM serves its interrogatory response.

3 4. BANA and SFR were unable to resolve their dispute concerning the remaining three  
4 disputed topics (*i.e.*, topics 5, 8 and 9) during their *Falcon Pointe* meet and confer but, to avoid  
5 litigation costs and unnecessarily burdening the Court with substantially-similar motions for  
6 protective order, agreed the parties will apply the Court's ruling in other similarly-situated cases.  
7 BANA moved for a protective order in *Falcon Pointe* on January 24, 2018. The motion remains  
8 pending.

9 5. Pursuant to the agreement reached in the *Falcon Pointe* meet and confer, BoNYM  
10 and SFR agree the Court's order on BANA's motion for protective order in *Falcon Pointe*, D. Nev.  
11 Case No. 2:16-cv-00814-GMN-CWH, ECF No. 93, shall apply to SFR's notice of deposition in this  
12 case. SFR further stipulates BoNYM's deposition in this case is stayed as to all topics pending the  
13 Court's ruling on BANA's motion for protective order in *Falcon Pointe*. SFR and BoNYM will  
14 confer about a mutually-agreeable deposition date once an order enters in *Falcon Pointe*.

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6. BoNYM and SFR jointly request the Court approve this stipulation as an order of the Court.

Dated: March 7, 2018

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**ORDER**

**IT IS SO ORDERED.**



**UNITED STATES MAGISTRATE JUDGE**

March 9, 2018

**DATED:** \_\_\_\_\_